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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/342,012	06/28/1999	NOBORU SHIBUYA	450100-4943	5920

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NEW YORK, NY 10151

EXAMINER

WISDAHL, ERIC D

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 08/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/342,012

Applicant(s)

SHIBUYA ET AL.

Examiner

Eric D Wisdahl

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 30 May 2003 have been fully considered but they are not persuasive.

Applicant argues:

1. Fukumitsu discloses four embodiments of his invention as shown in figures 2, 5, 9 and 10 without differentiating between the degrees of movement of any of the embodiments of the invention disclosed therein. Fukumitsu does not disclose movement of a camera body within a 180-degree position as positively recited in claim 1. Fukumitsu merely says that the main body can be freely turned within a predetermined angle range. While the embodiment of Figure 2 has no upper limit, enclosing the camera, each of the other embodiments do and it would be impossible for the camera mounted in the embodiments shown in Figures 5, 9 and 10 to rotate within a 180-degrees of movement.
2. Fukumitsu camera is only mounted at one end and does not have supporting means for supporting said accommodation means at portions thereof at the proximity of the opposite ends of a tubular shape.
3. Wakabayashi does not disclose the tubular supporting means positively recited in claim 1 herein in that the Wakabayashi tubular member is not supported at its end at the opposite ends of the tubular shape but is supported totally within a cylindrical housing and not at its ends.

Answers to arguments:

1. Although it is seen that there are four embodiments disclosed within Fukumitsu, and that three of the embodiments would not meet the claimed limitations, it is seen that the embodiment relied upon in the rejection meets all claimed limitations. Although it is not specifically stated that the movement of the camera body is within a 180-degree position, it is seen that such a movement is possible within the predetermined angle range since there is no upper limit enclosing the camera with which the range would be limited to a range of less than 180-degrees in the embodiment relied upon for rejecting the claimed limitations.
2. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Obviously the arrangement is lacking the supporting means for supporting an accommodation means at portions thereof at the proximity of the opposite ends of a tubular shape since there is not a tubular shape to support in the original disclosure. The supporting means will be designed to best support the accommodation means provided.
3. Wakabayashi teaches a tubular member supported at the end and opposite end of the tubular shape (Column 6 lines 28 – 42, Figure 6, Figures 11 and 13 – 17).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fukumitsu et al. (U.S. Patent 6, 141, 052) in view of Wakabayashi et al. (U.S. Patent 5, 903, 706). Fukumitsu discloses a body having a keyboard thereon (Figure 2 item 12), a display section mounted on a pivotal opening and a closing movement with respect to said body and having, on a first face thereof which opposes said keyboard when said display section is pivotally closed on said body, a display face for displaying face for displaying an image thereon (Figure 2 items 14 and 15, Column 2 line 63 – Column 3 line 5), said display section including an image pickup means for picking up an image (Figure 2 item 18), accommodation means for accommodating the image pickup means therein (Figures 3 and 4 item 19), supporting means for supporting said accommodation means at portions thereof for turning motion in a vertical plane over an angular range of approximately 180 degrees outwardly between a first position at which said image pickup means is directed in the same direction as said first face of said display section and a second position at which said image pickup means is directed in the same direction as a second face of said display section which is opposite to said first face (Column 4 lines 23 – 26, Figures 3 and 4). Fukumitsu fails to disclose the accommodation means with a substantially tubular shape, the supporting means for supporting the accommodation means at portions thereof in the

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proximity of the opposite ends of the tubular shape and the providing means for providing a space for allowing the accommodation means to be turned without contacting with said body when said display section is pivotally closed on said body. Wakabayashi discloses the accommodation means with a substantially tubular shape, the supporting means for supporting the accommodation means at portions thereof in the proximity of the opposite ends of the tubular shape and the providing means for providing a space for allowing the accommodation means to be turned without contacting with said body when said display section is pivotally closed on said body (Figures 11 and 13 – 17). Such an arrangement would be useful in allowing the image pickup means to be accessed when the image processing device is in a closed state without damaging the pickup means. Therefore, it would have been obvious to one of ordinary skill in the art to include the accommodation means with a substantially tubular shape, the supporting means for supporting the accommodation means at portions thereof in the proximity of the opposite ends of the tubular shape and the providing means for providing a space for allowing the accommodation means to be turned without contacting with said body when said display section is pivotally closed on said body so as to provide a body which protects the image pickup means and allows access while the device is in a closed position.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fukumitsu et al. (U.S. Patent 6, 141, 052) in view of Wakabayashi et al. (U.S. Patent 5, 903, 706) in further view of Isashi (U.S. Patent 5, 898, 600). Neither Fukumitsu nor Wakabayashi disclose the display section further including a sound fetching means disposed so as to be capable of fetching sound not only when said image pickup means is at the first position but also when said image pickup

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means is at the second position. Isashi discloses the image pickup means with the sound fetching means to fetch the sound in any position which the pickup means is positioned (Figure 11, Column 29 lines 40 – 43). Such an arrangement would be useful in obtaining sound to enhance the video signal picked up by the image pickup means to enable a full reproduction. Therefore, it would have been obvious to one of ordinary skill in the art to include the display section further including a sound fetching means disposed so as to be capable of fetching sound not only when said image pickup means is at the first position but also when said image pickup means is at the second position so as to enable the user to obtain both sound and video at any location which the image pickup means are located.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

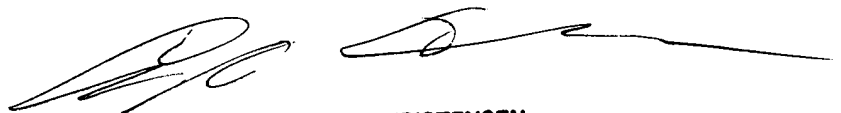
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric D Wisdahl whose telephone number is (703) 305-4915. The examiner can normally be reached on 9:00 - 6:00 Mon-Thur every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on (703) 308-9644. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-5399 for regular communications and (703) 308-5399 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the technology center 2600 customer service office which can be reached at telephone number (703) 306-0377.

edw
July 28, 2003



**ANDREW CHRISTENSEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600**